

# United States Department of Agriculture,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, Chief of Bureau.

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## SERVICE AND REGULATORY ANNOUNCEMENTS. SUPPLEMENT.

N. J. 7851-7900.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 2, 1920.]

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### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

**7851. Adulteration and misbranding of birch oil. U. S. \* \* \* v. 2 Cans \* \* \* Purporting to be Birch Oil. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 12116. I. S. No. 4-r. S. No. E-1940.)**

On January 22, 1920, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 37½ pounds of a product purporting to be birch oil, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about January 11, 1920, by D. C. Hicks, Shell Creek, Tenn., and transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding under the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted largely or wholly of synthetic methyl salicylate.

Adulteration of the article was alleged in that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said United States Pharmacopœia, official at the time of the investigation, and its own standard of strength, quality, and purity was not plainly stated upon the container, and in that its strength and purity fell below the professed standard and quality under which it was sold. It was further adulterated in that synthetic methyl salicylate had been mixed and packed with and substituted in part for the article.

Misbranding was alleged in that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, birch oil. It was further misbranded in that it was an imitation of and offered for sale under the name of another article, to wit, birch oil.

On April 22, 1920, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold at public auction by the United States marshal, labeled as imitation of birch oil, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

**7852. Adulteration and misbranding of birch oil and oil of sweet birch. U. S. \* \* \* v. 3 Cans \* \* \* of a Product Purporting to be Birch Oil, U. S. \* \* \* v. 3 Cans \* \* \* of a Product Purporting to be Oil of Sweet Birch, and U. S. \* \* \* v. 1 Can \* \* \* of a Product Purporting to be Oil of Sweet Birch. Default decree of condemnation and forfeiture. Product ordered sold.** (F. & D. Nos. 11659, 11660, 11661. 1. S. Nos. 533-r, 532-r, 531-r. S. Nos. E-1854, E-1855, E-1856.)

On December 14, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 3 cans of a product purporting to be birch oil, 3 cans of a product purporting to be oil of sweet birch, and 1 can of a product purporting to be oil of sweet birch, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the articles had been shipped on or about October 28, 1919, by M. G. Teaster, Johnson City, Tenn., on October 31, 1919, by T. J. Ray, Newland, N. C., and on or about November 4, 1919, by T. J. Ray, Johnson City, Tenn., and transported from the States of Tennessee and North Carolina into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they contained synthetic methyl salicylate.

Adulteration of the articles was alleged in the libels in that the articles were sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the United States Pharmacopœia. They were further adulterated in that the strength and purity of the articles fell below the professed standard and quality under which they were sold, and in that a substance, to wit, synthetic methyl salicylate, derived from a source other than birch, had been mixed and packed with them so as to reduce and lower and injuriously affect their quality and strength, and in that a substance, to wit, synthetic methyl alcohol, derived from a source other than birch, had been substituted in part for the said products, to wit, birch oil and oil of sweet birch.

The articles were misbranded in that they were an imitation of and sold under the name of another article, to wit, birch oil. They were further misbranded in that they were an imitation of and sold under the distinctive name of another article, to wit, birch oil. The articles were further misbranded in that they were labeled so as to deceive and mislead the purchaser into the belief that they were composed wholly of birch oil, whereas they consisted in part of synthetic methyl salicylate, derived from a source other than birch. They were further misbranded in that the packages containing the products bore a statement, to wit, "Birch Oil," or "Oil of Sweet Birch" regarding the products contained therein, which was false and misleading—false in that the products were not composed wholly of birch oil but were in part composed of synthetic methyl salicylate, derived from a source other than birch, and misleading in that it led the purchaser to believe that the articles were composed wholly of birch oil, whereas they consisted in part of synthetic methyl salicylate, derived from a source other than birch.